



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/804,311	03/13/2001	Yasuhiro Shimada	0819-520	9274

22204 7590 04/01/2002

NIXON PEABODY, LLP
8180 GREENSBORO DRIVE
SUITE 800
MCLEAN, VA 22102

EXAMINER

WOJCIECHOWICZ, EDWARD JOSEPH

ART UNIT	PAPER NUMBER
----------	--------------

2815

DATE MAILED: 04/01/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

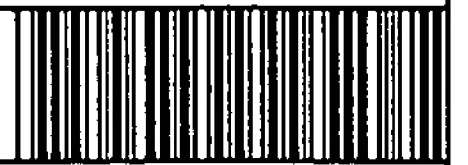
Office Action Summary

Application No.
09/804,311

Applicant(s)
Shimada et al

Examiner
Edward Wojciechowicz

Art Unit
2815



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 20) ☐ Other: _____

Art Unit: 2503

DETAILED ACTION

In the previous action, paragraphs 6 and 7 were incorrectly included. These paragraphs have been deleted, and the corrected office action is found below. The period for response is restarted from the date of this action.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The exact structure of, and process for making the invention is not clearly understood. For example, in claims 1 and 6, where is the ferroelectric film formed relative to the other elements of the ferroelectric FET?

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Paterson. Paterson shows the inventive structure and process of the invention with a ferroelectric FET formed in an integrated circuit, such as a memory array, and where the ferroelectric film (32) is formed above

Art Unit: 2503

the substrate, on an intermediate electrode (56) which is on an interlevel dielectric layer, and a first control gate (26), and is connected to the first control gate by way of interconnect (46).

Paterson also teaches the usual formation of the source and drain regions, along with the formation of an additional control electrode (30) formed above the ferroelectric layer. See Fig. 5 of Paterson, and the accompanying discussion.

In addition, Paterson also teaches the features of the dependent claims such as the use of a common material for the gate electrodes as recited in claim 3, (see col.5, l. 11), and memory circuits (see col. 1, l.15-20).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Paterson.

The only claimed feature which Paterson does not explicitly show is the formation of a second interlevel dielectric layer, as claimed in claim 7. However, such an additional dielectric layer would most certainly be formed in Paterson because the additional ferroelectric and gate layers shown in Fig. 5 would, of necessity be passivated as well. Thus, for simplicity sake, the additional

Art Unit: 2503

dielectric layer claimed in claim 7 is not shown in Fig. 5, however, the use of such an additional layer would be well known in the art.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward Wojciechowicz, whose telephone number is (703) 308-4898, or to SPE Eddie Lee whose number is (703) 308-1690.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward Wojciechowicz, whose telephone number is (703) 308-4898, or to SPE Eddie Lee at 703-308-1690.


Application/Control Number: 09/804,311

Page 5

Art Unit: 2503

Edward Wojciechowicz:ew

March 21, 2002


EDWARD WOJCIECHOWICZ
PRIMARY EXAMINER
GROUP 2500